

ADOPTED BY THE
MAYOR AND COUNCIL

RESOLUTION NO. 21602

RELATING TO WATER; ADOPTING THE TUCSON WATER SERVICE AREA POLICY;
AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF
TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Mayor and Council adopt the following Tucson Water Service
Area Policy:

A. For purposes of potable and reclaimed water service, there
are designated the following areas, whose particular components are
graphically portrayed in map form by Exhibit A, which is incorporated by
this reference:

1. An "Existing Obligated Service Area," which shall
consist of:

a. The current service area (existing water
system), designated in dark blue on Exhibit A; and

b. The obligated service area, encompassing the
area within City limits or contracted service areas where

future service is required, designated in light blue on Exhibit

A.

2. An "Expansion Area," which shall consist of:

a. An area where annexation or an agreement to annex is required, designated in pink on Exhibit A; and

b. An area where annexation may be required in the particular case, as determined by the City Manager or that officer's designee, designated in pink stripe on Exhibit A.

3. A "Non-Expansion Area," where no new service extensions will be made, which shall consist of:

a. Unincorporated Pima County (except as provided in Section I(C)(1) below), designated in yellow on Exhibit A; and

b. Areas within other jurisdictions, designated in black on Exhibit A; and

c. Areas serviced by other water providers, designated in gray on Exhibit A; and

d. Areas within tribal reservations, designated in light brown on Exhibit A; and

e. Areas dedicated as Federal, State, and local parks and preserves, or to other Government uses, designated in green on Exhibit A.

4. An "Unresolved Area," designated in white on Exhibit A, which shall consist of the following areas that are outside of the Existing Obligated Service Area:

a. Painted Hills, where the question of service is in litigation; and

b. Other areas in the Tucson Mountains, where Mayor and Council is expected to make a case-by-case decision regarding extension of water service.

B. Exhibit A portrays in map form the various areas designated by Section I(A) as of the date of this Resolution. The Tucson Water Department (Tucson Water) is authorized and directed to maintain a map of record that is updated regularly to reflect water service extensions as they occur as well as any approved annexations and pre-annexation agreements.

C. Tucson Water staff shall review requests for water service extension on a case by case basis, and apply the Water Service Area Policy as generally depicted on the map of record. Because the map of record is not sufficiently detailed to show water service policy at the parcel level for all parcels, Tucson Water staff shall make a determination regarding water service to a proposed development using the following criteria:

1. Requests for extension of water service in the Non-Expansion Area shall not be considered except for proposed

developments in unincorporated Pima County (yellow area of Exhibit A) that abut the current Tucson Water service area (dark blue area of Exhibit A). For such a development to be approved for an extension of Tucson Water service, the development must be surrounded on three sides by parcels served by Tucson Water and be less than 20 acres in size.

2. Requests for extension of water service in Expansion Areas (pink and pink-stripe area of Exhibit A) will be approved only if the owner agrees to annexation to the City when required by the City.

3. Future requests from other jurisdictions or water providers pertaining to continuation of Tucson Water service or extension of the Tucson Water system will be governed by Mayor and Council-approved agreement, as provided in Section J of this Resolution. Nothing in this policy shall affect existing agreements with other jurisdictions or water providers pertaining to Tucson Water service.

D. If an applicant for extension of water service believes that Tucson Water came to an incorrect determination when applying the Water Service Area Policy that resulted in denial of the water service extension, the applicant may request an administrative review of Tucson Water's determination.

E. If the requested water extension is approved, Tucson Water will issue a Water Assurance letter stating that Tucson Water will provide water service to the project based on the requested zoning of the subject parcels. The Assurance Letter, and any subsequent approval by Tucson Water, are valid for one year only, and will become null and void if the applicant does not take action to obtain water service in compliance with Tucson Water policies and procedures during that one-year period. If the one year time limit is reached, the Assurance Letter or any subsequent approval become null and void, and the applicant must submit a new application for water service extension.

F. When a water service extension is approved, the development receiving the new water service shall pay all costs to extend the Tucson Water system, including costs for system improvements necessary to provide the requested water service to the new development.

G. Consistent with recommendations 3.1 and 3.2 in the comprehensive planning section of the City/County Water and Wastewater Study, Phase 2, City staff is directed to work with other jurisdictions and water providers on comprehensive, collaborative water planning recommendations by sub-region. The collaborative efforts may include developing agreements in which the City of Tucson would:

1. Wheel (convey) the water supply of other jurisdictions and/or water providers through Tucson Water infrastructure; and/or
2. Exchange wet water for water credits.

These discussions should include the Metropolitan Domestic Water Improvement District, the Pasqua Yaqui Tribe, the Town of Oro Valley, the Town of Marana, the Vail Water Company, Pima County, the Tohono O'odham Nation, and others.

H. City of Tucson staff will encourage proposed developments outside of the Tucson City limits to incorporate the same Rainwater Harvesting and Gray Water standards as for new developments within the City limits.

I. Annually, Tucson Water and the Citizens' Water Advisory Committee shall review the Water Service Area Policy and the available "Water Checkbook" balance, and shall provide a report to the Mayor and Council in June with the results of the annual review and with any recommended modifications to the Water Service Area Policy.

J. The Mayor and Council may:

1. Modify the Water Service Area Policy from time to time by resolution; or
2. Authorize exceptions to the policy, by resolution or Mayor and Council-approved agreement, when such an exception would provide clear and substantial benefit to the region, as documented in a staff report.

SECTION 2. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

SECTION 3. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist, and this resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, August 4, 2010.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED BY:

CITY MANAGER

DPM/dc
7/29/2010 1:24 PM